

# MAP-21

## Transportation Alternatives Program (TAP)

Year	2013	2014
Authorization	\$ 809 M	\$ 820 M

### Program purpose

MAP-21 establishes a new program to provide for a variety of alternative transportation projects, including many that were previously eligible activities under separately funded programs. The TAP replaces the funding from pre-MAP-21 programs including Transportation Enhancements, Recreational Trails, Safe Routes to School, and several other discretionary programs, wrapping them into a single funding source.

**Statutory citation(s):** MAP-21 §1122; 23 USC 101, 206, 213; SAFETEA-LU §1404.

### Funding features

The TAP is funded by contract authority from the Highway Account of the Highway Trust Fund. Funds are subject to the overall Federal-aid obligation limitation.

An amount equal to 2% of the total amount authorized from the Highway Account of the Highway Trust Fund for Federal-aid highways each fiscal year (FY) is to be reserved for the TAP. [23 USC 213 (a)]

- The national total is divided among States based on each State's proportionate share of FY 2009 Transportation Enhancements funding.
- Within each State, the amount for the TAP is set aside proportionately from the State's National Highway Performance Program (NHPP), Surface Transportation Program (STP), Highway Safety Improvement Program (HSIP), Congestion Mitigation and Air Quality Improvement Program (CMAQ), and Metropolitan Planning apportionments.

### Set-asides

- Unless the Governor opts out in advance, an amount equal to the State's FY 2009 Recreational Trails Program (RTP) apportionment is to be set aside from the State's TAP funds for the RTP. See further detail below under "Program features." [23 USC 213(f)-(g)]

### Suballocation

Fifty percent of a State's TAP apportionment (after deducting the set-aside for the RTP, if applicable) is suballocated to areas based on their relative share of the total State population, with the remaining 50 percent available for use in any area of the State. The suballocation is made in the same manner as for STP funds. [23 USC 213(c)] [See the Qs & As on Suballocation of Apportioned Funds for additional detail.]

## Transfer of funds

A State may transfer up to 50% of its TAP funds to NHPP, STP, HSIP, CMAQ, and/or Metropolitan Planning. The amount transferred must come from the portion of TAP funds available for use anywhere in the State (no transfers of suballocated TAP funds, or funds set aside for the RTP). [§1509; 23 USC 126]

**Federal share:** The Federal share for most projects is determined in accordance with 23 USC 120. Federal share for projects funded from funds set aside for the RTP are determined in accordance with 23 USC 206(f).

## **Eligible activities**

Funds may be used for projects or activities that are related to surface transportation and described in the definition of “Transportation Alternatives.” [23 USC 101(a)(29)]

- Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation.
- Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
- Conversion and use of abandoned railroad corridors for trails for pedestrians; bicyclists, or other nonmotorized transportation users.
- Construction of turnouts, overlooks, and viewing areas.
- Community improvement activities, including—
  - inventory, control, or removal of outdoor advertising;
  - historic preservation and rehabilitation of historic transportation facilities;
  - vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
  - archaeological activities relating to impacts from implementation of a transportation project eligible under 23 USC.
- Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to—
  - address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff; or
  - reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

In addition to defined Transportation Alternatives (as described above), the

- The recreational trails program under 23 USC 206.
- The safe routes to school program under §1404 of SAFETEA-LU.
- Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

Workforce development, training, and education activities are also eligible uses of TAP funds. [§52004; 23 USC 504(e)]

## **Program features**

### Selection of projects

- In general, TAP funds are administered by the State DOT. States administer the RTP through a designated State agency or agencies, which may or may not be the State DOT. [23 USC 206(c) and 213(f)]
- TAP funds must be obligated for eligible projects submitted by eligible entities (see below) through a competitive process. [23 USC 213(c)]
- Funds suballocated to urbanized areas over 200,000 must be on the Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP). The MPO, through a competitive process, selects the projects in consultation with the State from proposed projects submitted by eligible entities. [23 USC 213(c)]
- Funds suballocated to small urban areas and rural areas will be administered by the State. The State, through a competitive process, selects the projects from proposed projects submitted by eligible entities.

### Eligible project sponsors

Under 23 USC 213(c)(4)(B), the eligible entities to receive TAP funds are:

- local governments;
- regional transportation authorities;
- transit agencies;
- natural resource or public land agencies;
- school districts, local education agencies, or schools;
- tribal governments; and
- any other local or regional governmental entity with responsibility for oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of subsection (c) of section 213 of title 23.

Under TAP, nonprofits are not eligible as direct grant recipients of the funds. Nonprofits are eligible to partner with any eligible entity on an eligible TAP project, if State or local requirements permit.

### Treatment of projects

Projects funded under the TAP (excluding projects funded under the RTP set-aside) shall be treated as projects on a Federal-aid highway. [23 USC 213(e)]

### Youth conservation corps

States and regional transportation planning agencies are encouraged to enter into contracts and cooperative agreements with qualified youth service or conservation corps to perform appropriate projects. Such contracts and cooperative agreements are exempt from some Federal-aid highway program contracting requirements. [§1524]

### Recreational Trails Program

To provide for the continuation of recreational trails projects, MAP-21 requires each State to set aside a portion of its TAP funds for projects relating to recreational trails under 23 USC 206. [23 USC 213 (f)-(g)]

- The amount to be set aside is equal to each State's FY 2009 RTP apportionment.
- 1% of the set-aside funds are to be returned for FHWA administration of the RTP.
- A State may opt out of this set-aside if the Governor notifies the Secretary no later than 30 days prior to the start of a fiscal year. A State opting out may not use TAP funds for RTP administrative costs for that fiscal year.
- If the State does not opt out of the RTP, the RTP provisions and requirements remain unchanged.

#### Safe Routes to School (SRTS)

- States have the option to continue eligible SRTS program activities from section 1404 of SAFETEA-LU.
- States are not required to have a State SRTS coordinator but they may use TAP funds to support this position.